

REMARKS

Upon entry of this amendment, claims 1-3, 7-10 and 14 will be all the claims pending in the application. Claim 1 has been amended and new claim 14 has been added. Support for the amendments can be found, for example, at page 7, line 31 to page 8, line 13 and Example 3 of the present specification.

Applicants respectfully submit that with the entry of the proposed amendments, the present application will be in condition for allowance. Since the amendments raise no new issues, entry of the above amendments is respectfully requested.

I. Response to Rejection of claims 1-3 and 7-10 under 35 U.S.C. § 103

The Examiner maintains the rejection of claims 1-3, 7 and 8 under 35 U.S.C. §103(a) as allegedly obvious over JP '411. In addition, the rejection of claims 9 and 10 under 35 U.S.C. 103(a) as allegedly being unpatentable over JP '411 in view of JP '624 is maintained.

Applicants respectfully traverse the rejection and submit that the cited references do not render the present invention obvious.

Basically, the Examiner asserts that the claims, as written, cover the process of JP '411 where the ammonia gas is fed through pipe 1 and the fluorine gas is fed through pipe 2, and that the claims do not require the fluorine gas or the ammonia gas be fed in portions from two or more gas inlets. In addition, the Examiner asserts that Applicants' argument that Example 3

shows unexpectedly superior results is not convincing since the claims would not be limited to feeding the ammonia in separate portions, but rather embrace feeding only the fluorine in separate portions.

In the present invention, the ammonia gas can be fed from at least two different positions or from at least two inlets on a reactor. *See* page 7, line 31 to page 8, line 13 and Example 3. In addition, the fluorine gas can be fed from at least two different positions or from at least two inlets on a reactor. Therefore, for purposes of further clarity, claim 1 has been amended to recite "wherein at least the fluorine gas is fed in portions from two or more gas inlets or the ammonia gas is fed in portions from two or more gas inlets."

JP '411 neither teaches nor suggests that the starting gases are fed at the claimed concentrations or that the fluorine gas and the ammonia gas are fed in portions from two or more gas inlets.

Therefore, JP '411 does not teach or suggest the present invention according to claim 1, and does not render the present invention obvious.

In addition, in an obviousness rejection, there must be some teaching or suggestion in the prior art, and a mere teaching by itself is not sufficient to provide motivation for one skilled in the art to arrive at the present claimed invention.

In this case, JP '411 does not teach or suggest the use of a specific concentration of starting material, except those in the Examples, and therefore does not provide any incentive for using concentrations not taught. In addition, JP '411 does not provide any benefit or

advantage for using a specific concentration of starting material, but simply teaches that the concentration of the starting material is not particularly limited. Accordingly, there is no motivation that would lead one of ordinary skill in the art to select and use concentrations of 3 mol % or less of fluorine and 6 mol % or less of ammonia gas and arrive at the present invention.

Furthermore, it is respectfully submitted that the process of the present invention where the ammonia gas is fed at two different positions provides unexpectedly superior results. That is, the yield of NF_3 gas in Examples 1 and 2 was 69% and 42 %, respectively, whereas the yield of NF_3 gas in Example 3 was 76%.

Moreover, each of claims 9 and 10 depend, directly or indirectly, from claim 1. Therefore, it is respectfully submitted that these claims are allowable for at least the same reasons as claim 1 since JP '624 does not make up for the deficiencies of JP '411.

In view of the above, withdrawal of the rejections is respectfully requested.

II. Conclusion

For the above reasons, reconsideration and allowance of claims 1-3, 7-10 and 14 is respectfully requested.

If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.116
U.S. Application No. 10/030,682

Attorney Docket Q60714

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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